Ontario Human Rights Commission
2009/10 – 2011/12 Business Plan

Message from the Chief Commissioner

"Whether our families have been here for centuries, decades or days, deep down, we are all the same -- with the same basic hopes and dreams. It is up to us to work and build and dream together so that we can make Ontario even stronger for the generations to come." (Premier McGuinty, 25 March 2006)

Human rights are the foundation of an inclusive, successful society and a thriving economy. The barriers produced by discrimination stop progress; they create an underclass that cannot contribute to the level of their ability and ultimately lead to tension, conflict and discord.

The Government has emphasized the need to identify and deal with the root causes of discrimination. The OHRC has responded to that objective by realigning its strategic goals and refocusing its organizational structure to deliver those goals effectively.

While tackling discrimination on a reactive case-by-case basis helps protects the rights of individuals, dealing with the sources of prejudice requires pro-active, long-term efforts; real change takes time.

The OHRC will continue to develop leading-edge human rights policy. We will research, investigate, monitor and report on discrimination that hurts the most vulnerable people in our society. For example, we will continue to work with police services to end stereotyping and with transit providers to make their systems accessible to all. We will share our knowledge and guidance through public education and outreach programs designed to make the fight against inequity and intolerance a common responsibility. By bringing partners in the community together, as in our Asian Canadian Anglers initiative, we are raising awareness of problems – and solutions.

Ontario's rapidly changing demographic mix makes the task complex and urgent. In the context of an economic slowdown protecting the rights of marginalized people it is more important than ever.

Executive Summary

Strategic issues

Racism and discrimination are still pervasive and persistent in Ontario society. There are many people in vulnerable and marginalized communities who are not aware of their rights or how to improve their situation. As the demographic make-up of the province continues to change, new tensions are created in schools, workplaces and neighbourhoods. Groups have different needs and rights that are not understood and can cause conflict by pitting, for example religious rights against rights relating to gender or sexual orientation. People with disabilities, demanding their rightful inclusion, raise issues of accommodation and universal design.

A reactive, case-by-case approach will never, on its own, resolve issues of broader public interest and systemic discrimination; that was the dominant feature of Ontario's old human rights system. All laws, regulations and policies are meant to comply with the Ontario *Human Rights Code*, but many do not. Without proper research and monitoring there are only very limited ways to measure real progress in achieving the *Code's* aim of "a climate of understanding and mutual respect".

The Government has changed the human rights system to address these issues.

Major objectives

The OHRC aims to educate, empower and mobilize partners in communities across the province to raise awareness, help them identify their concerns and implement solutions. During the life of this plan we will give priority to Ontarians affected by issues of race and hate crimes, housing, family status and mental health. We will work proactively with sectors of the economy, as we did with the restaurant industry and transit providers to eliminate barriers and prevent discrimination. Our legislative review project will identify which laws and regulations need to be changed to comply with the *Code*. We will move the issue of discrimination from the pages of various reports and inquiries (such as Ipperwash, Hate Crimes Working Group and the Falconer "School Safety" report), into real action that the people of Ontario can see and feel, and to which they can contribute.

Strategies

The OHRC will continue to develop and publicize leading edge human rights policy which clarifies the law and promotes effective public interest remedies for problems; our recently released policy on family status and the upcoming policy on rental housing are examples. We will conduct public interest inquiries, such as the Asian Canadian Angler inquiry that brought together anglers, police, municipal councils, schools and community groups to plan and implement strategies to deal with race and hate crimes and promote inclusion. We will

deliver more outreach, education and training to show the effects of discrimination and how to prevent it. We will take targeted legal action to clarify the law and enforce compliance with the *Human Rights Code*. We will conduct research and monitoring to fulfill our statutory mandate to report to the people of Ontario on the state of human rights.

Resources

In this time of financial constraint we must be very targeted in how we approach our broad mandate, respond to glaring need and satisfy the community's and the Government's expectations of a truly balanced human rights system. We are already receiving many requests from affected groups for assistance, such as training, intervention and inquiries. However, by making our goals and criteria for projects clear, our decisions will be better understood.

Risks

If Ontario's human rights culture is not advanced and strengthened all Ontarians will suffer. Women and men who face barriers to, or at, work, or children without opportunities or hope, will damage the heath, safety and prosperity of communities and the economy, particularly during an economic downturn. There is a strong belief that the transformation of the human rights system will create an improved balance between reactive and proactive work. While not every expectation can be met, Ontario must demonstrate that the rights promised by our laws are also 'lived rights', respected and enjoyed by all our citizens.

Mandate

The human rights system and Ontario's success

The new human rights system faces challenges unprecedented in Ontario's history. Across the province our communities are changing. New groups are arriving in what were once homogenous areas; the population is aging; there is a much greater awareness of the rights and needs of people with disabilities and a greater awareness of social justice issues in general.

With these challenges come opportunities to support community building and contribute to the social and economic well-being of the province which must not be missed. The Ontario Human Rights Commission's new mandate and mission empower and require us to play a pivotal role in these vital tasks.

When the OHRC was created in 1961, our key challenge was to ensure 'minority groups' had the same rights and opportunities as the 'majority'. Discrimination was, in many cases, more overt and more easily identified.

Today, barriers to progress created by subtle forms of systemic discrimination are often tougher to identify and break down. Many institutions are not even aware of how traditional processes and procedures can have a negative impact on some groups. As well, Ontario's changing demographic make-up brings with

it new issues to consider; sometimes there is conflict between different cultures and even different sets of rights.

Ontario must build a culture of human rights by creating a culture of inclusion, where everyone is treated as a valuable contributor to their community. When people feel excluded they are less likely to contribute: they leave or simply become a drain on local resources. For example, a community which welcomes and accommodates the needs of a new doctor from a different cultural background will have a much better chance of retaining that doctor than a community which is not welcoming. Being inclusive builds and strengthens communities.

The OHRC is uniquely positioned to identify human rights issues, bring partners together, and to develop, facilitate and monitor solutions. No other Ontario agency is so clearly charged with the task of eliminating discriminatory practices.

With the announcement of the new human rights system an expectation has been created that substantive change will result – not simply in the processing of complaints but in the way broader issues are identified and solved.

In essence, the entire scale of our work has been changed. Previously the system was directed toward triaging approximately 60,000 requests for information each year which resulted in about 3,000 complaints annually. Now, the OHRC and its partners in the human rights system have been directed to reach out to all Ontarians – to "revise and extend the protection of human rights in Ontario" (Preamble to the *Code*).

It is clear that quick fixes do not solve systemic problems. It takes time to change attitudes and raise awareness – but it can be done. Consider: twenty-five years ago recycling programs in Ontario had little profile and limited acceptance; today they are embraced and supported. Much more recently, racial profiling was considered acceptable; now, thanks in large part to the OHRC's initiatives in this area, racial profiling is understood to be discriminatory, divisive and harmful.

Our aim, as we work towards a culture of human rights in Ontario, is to help people and institutions across Ontario's diverse communities appreciate and celebrate differences and learn how to accommodate sometimes-conflicting needs. Our role is to bring parties together to break down the stereotypes which so often pose barriers to understanding and progress, and take responsibility for respecting, protecting, promoting and fulfilling human rights for everyone in Ontario.

The OHRC has done groundbreaking work on these issues. The transformation of the human rights system empowers us to *focus* on these broader issues affecting society. In the words of the Attorney General, the transformation is meant to "address the underlying causes of discrimination and ensure the

speedy resolution of human rights cases." (Attorney General for Ontario, April 9, 2008).

This business plan outlines what the OHRC is doing, how that work is central to the priorities of the Government of Ontario and the impact this work has on life in Ontario. It also considers the serious negative impact of not fulfilling the statutory mandate of the *Human Rights Code*.

How the transformed OHRC will work

Underpinning our strategic objectives is our aim to provide the most effective possible service for the people of Ontario. We will reach out into the community, more than ever before, to learn about the top priorities and work with partners to develop a wide range of potential solutions. We will facilitate the discussions that will identify the barriers to progress and suggest balanced ways to remove those barriers.

The new structure of the OHRC reflects our realigned priorities. Units for Policy, Monitoring, Education & Outreach, Public Interest Inquiries, and Communications & Issues Management will conduct the main external business of the Commission.

The resources of the branches will be allocated to issues at hand as needed. Inter-branch teams will be created to deal with all aspects of an emerging or continuing issue – from research and policy development through to targeted legal activities, public outreach and consultation, communications and ongoing monitoring.

The result will be an approach in which a human rights issue is considered, a plan is developed and a project is defined to work through to outcomes with measurable impacts.

How the OHRC's new mandate supports government priorities

The work of the OHRC directly supports and enhances the priorities of the Government of Ontario. In recent years the Commission's initiatives linked directly to the "Stronger Safer Communities" key priority of the Ministry of the Attorney General. An excellent example of the OHRC working in this area is the ongoing project with police services and the Ontario Police College to eliminate racial profiling in law enforcement. This initiative began with Toronto Police; the lessons learned are now being disseminated across the province. The impact hoped for will be fewer complaints against police services, communities seeing un-biased policing, and more effective delivery of law enforcement.

With the recent changes to the corporate measurement framework, as drawn from platform commitments and the Throne Speech, the alignment of the OHRC's priorities and those of the Government are closer than ever before.

2008-09 Priorities	Government Strategies	OHRC strategies
A More Prosperous Ontario	Attract, retain and create good, high-paying jobs Invest in skilled workforce Invest in infrastructure including public transit Modern, efficient public services	Identify and eliminate systemic barriers to good jobs Help employers find solutions that reduce inequity Provide high quality, timely service to the public
A Better Educated, More Highly Skilled Ontario	Improve student achievement Improve graduation rate Reduce barriers for at risk students	Identify and eliminate systemic barriers to education and training Reduce barriers for at risk students by ensuring settlements with Ministry of Education and TDSB are fully implemented (monitor Falconer report implementation)
Healthier Ontario	Improve access to health care Prevent illness, promote wellness	Continue work on mental health issues and access to health care system, including factors such as housing with a direct impact on health
Opportunity for All	Expand accessibility for the disabled through ADOA	Monitor AODA standards and advise on ensuring standards are compliant with the *Human Rights Code* Reduce barriers for people with disabilities in transit systems, housing, etc.
A Stronger Relationship with Ontario First Nations	Implement Ipperwash recommendations	Fulfill Ipperwash recommendation that "the Ministry of Community Safety and Correctional Services should work with the OPP and Aboriginal organizations, other police services and the Ontario Human Rights Commission to identify and circulate best practices in police/Aboriginal relations."

In addition, the OHRC's Legislative Review function will allow the Commission to work with ministries and agencies to identify and eliminate laws, regulations and polices that conflict with the *Human Rights Code*. The outcome will be coherent approaches to human rights across Government.

Helping Ontarians Succeed

As seen above, the broader aims of the government – to create a safe, healthy and prosperous society in Ontario –have direct links with the ongoing work of the Commission and have been reflected in some of our recent initiatives.

The Government of Ontario's **"2007 Progress Report: moving forward, working together"** measures Ontario's success in improving the "health, education, skills and prosperity of Ontarians" and access to these. Ontario's *Human Rights Code* and the new mandate of the OHRC may be the single most important piece of Ontario legislation that works broadly towards these priorities.

Strengthening education in Ontario

The OHRC pressed for significant reforms to the "Safe Schools" provisions of the *Education Act*. The Commission determined that the strategy of 'zero tolerance' had an undue and unfair impact on racialized and disabled students. The OHRC engaged with the Ministry of Education and the Toronto District School Board to promote a more equitable approach. In announcing the resulting changes the Minister of Education noted "a safe learning environment is essential for students to succeed." We will continue to work with the Ministry and the TDSB to ensure the settlements are implemented effectively.

Supporting the health of Ontarians

The recent Ontario Divisional Court's decision in *Lane v. ADGA Group Consultants Inc.*, a case argued by the OHRC, reflects our continuing focus on mental health issues. The case reaffirmed that employees with mental health disabilities have a right to accommodation of their needs under Ontario's *Human Rights Code*.

We know from our work at the Commission that there are many devastating stories of stigmatization and discrimination faced by individuals with mental illness and their families on a daily basis at home, in schools and when accessing services. This decision clarifies what steps employers have to take so employees with mental illness receive the accommodation they need. In the coming months the OHRC will continue to raise awareness of these types of issues by working with the newly-created Mental Health Commission of Canada and others.

The OHRC will continue to work with Ontario agencies and committees on accessibility for people with disabilities. Our current Transit Initiative requiring transit providers to call out stations and stops has been a tremendous success in breaking down a barrier and setting a high standard across the province.

In addition, earlier this year, the Commission began discussion with the Ontario College of Physicians and Surgeons on how to take the *Human Rights Code* into account in our health care system.

Strengthening Jobs and Prosperity

The OHRC's extensive inquiry into racial profiling established clear evidence of institutional or 'systemic' racism that creates barriers to equality in the workplace and restricts the opportunities of many hard-working and productive individuals, simply on the basis of their race. As the *2007 Progress Report* says, "every

Ontarian is entitled to a fair shot at success". The OHRC's ongoing work in raising awareness of barriers to progress is crucial in ensuring all residents of our province have the opportunity to contribute to building a prosperous and progressive society. We will continue work on eliminating discriminatory practices that restrict access to jobs and services.

Emergency Management

In order to further contribute to stronger, safer communities the OHRC will use its public interest powers and responsibilities to play a role in ensuring appropriate and effective responses in specific types of emergency situations such as:

- Emergencies that give rise to public reactions that target specific *Human Rights Code*-protected groups and raise human rights issues, such as our activities at the time of the SARS outbreak
- Emergencies that are based, wholly or in part, on tensions and conflicts related to human rights issues, such as the Asian-Canadian Anglers initiative
- The development of emergency plans and programs that respect human rights as a component of our Legislative Review function which will provide advice on making policies and regulations consistent with the *Code*
- Playing an essential role in protecting human rights principles in situations of pressure and apparent threats to public safety and security such as our activities following 9/11

Strategic Plan of the OHRC

Ontario's *Human Rights Code* calls upon us all to work toward "the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully to the development and well-being of the community and the Province" (Preamble to the *Code*). At the OHRC, we describe that task as "building a culture of human rights".

Our goal is to reach out to every part of the province, to every community, and ensure that the words and the spirit of the *Code* are heard and followed. Our experience has shown us that the vulnerable and marginalized are those most in need of our help. But we can all contribute to, and benefit from, a culture of human rights.

We strive to reflect these **core values** in all our work:

- We want our work to be **effective,** having a progressive and positive impact.
- We must be a **leader**, a powerful advocate for human rights in all its forms.
- We need to be **equitable, inclusive and accessible**, identifying and removing barriers in every structure and process.
- We intend to be a **precedent-setting organization**, expanding the scope and interpretation of the *Human Rights Code* and human rights principles.
- We will be **accountable**, **relevant and transparent** in our operations and a model to others.
- We will **plan**, **research** and **measure** our success and realign our efforts where needed.

Our Vision is:

An Ontario in which everyone is valued, treated with dignity and respect, and where human rights are nurtured by us all.

Mission

The OHRC, an independent statutory body, provides leadership for the promotion, protection and advancement of human rights, and builds partnerships across the human rights system. In pursuit of our vision, we will:

- Empower people to realize their rights
- Ensure those responsible for upholding human rights do so
- Advocate for the full realization of human rights
- Work with our independent partners at the Human Rights Tribunal of Ontario and the Human Rights Legal Support Centre
- Develop and encourage the implementation of human rights policies
- Conduct research

- Monitor developments, trends, problem areas and case law involving human rights issues
- Use our legal powers to pursue remedies in the public interest
- Carry out public inquiries where appropriate
- Educate and build capacity
- Report on the state of human rights to the people of Ontario.

High Level Goals and Objectives
2009/10 – 2011/12

- Identify, link to and work with communities, groups and agencies to develop an inclusive culture of human rights in Ontario.

- While meeting key priorities, maintain the capacity to meet the demands of unplanned work and emerging issues so that the OHRC demonstrates leadership by responding quickly and strongly.

- Identify and address issues of tension and conflict and promote resolution of such conflicts.

- Identify and pursue targeted Public Interest Inquiries.

- Integrate communications (including internal communications) into the development stages of all OHRC programs and initiatives.

- Identify and work with partners across government and the broader community to ensure the word and spirit of the *Code* is built into all legislation, regulations and policies of the provincial government and its agencies, boards and commissions.

- Develop, publish and promote public policy statements, formal guidelines and research on a broad range of human rights and social justice issues, in language appropriate to the intended audience.

- Develop a training and education program, with sustainable results, which reaches out to priority sectors and organizations.

- Through targeted legal action, advance an expansive interpretation of the *Code*, establish important precedents that adopt Commission policies, promote broader public change and obtain needed public interest remedies.

- Work towards the successful transformation of the human rights system in Ontario.

- Ensure the OHRC meets the high standards of equity and anti-discrimination that it sets for others.

Priority Themes

The Commission has identified the following themes as our priority areas of work during the term of this strategic plan.

- Race/Hate crimes
  i. work with police
  ii. schools
  iii. aboriginal people
- Housing
- Family status
- Mental Health
- Legislative review

We recognize that these themes overlap; vulnerable people of many groups face barriers to housing, for example.

This strategic plan will demonstrate OHRC's "new ways of working". With structures and criteria in place and the transition completed, our resources will be more fully focussed on initiatives that have a genuine progressive effect on the people of Ontario. We will audit and review our new processes for effectiveness by regularly consulting target communities. We will also maintain the capacity to assess and address emerging issues.

We will:

- Position the OHRC as a lead agency for human rights in Ontario
- Create an internal structure to map and address emerging and current human rights concerns in Ontario
- Establish criteria to identify sectors, regions and communities for priority action
- Develop and implement a community outreach strategy
- Implement the legislation review project
- Implement an education and training strategy
- Create a protocol to address issues of tension and conflict promptly and effectively
- Take targeted legal action and public interest inquiries
- Develop strategies to renew, disseminate and implement OHRC policies
- Continue to raise public awareness of the work of OHRC
- Report on the state of human rights in Ontario.

Strategic Objectives

Policy, Research and Monitoring

> "The Commission may approve policies prepared and published by the Commission to provide guidance in the application of Parts I and II " (*Code* s.30)
>
> "...the Tribunal shall consider a policy approved by the Commission under section 30 in a proceeding under this Part if a party to the proceeding or an intervenor requests that it do so" *(Code 45.5(2)*).
>
> "If the decision or order is not consistent with a policy that has been approved by the Commission under section 30, the Commission may apply to the Tribunal to have the Tribunal state a case to the Divisional Court."

The OHRC will continue to develop and advance human rights policies and provide expert guidance in the application of the *Human Rights Code*. The impact and value of OHRC policies have long been established in case law and have influenced and been recognized by other jurisdictions at the national and international levels.

OHRC policies will continue to set standards for how individuals, organizations and sectors should act to meet the letter and the spirit of the *Human Rights Code* and avoid violating human rights. The policies help reduce the incidence of formal human rights complaints and assist in focusing the issues if human rights complaints are received.

Policy Function

The OHRC's policies provide leadership for positive change and a solid basis for public education. They integrate international principles of human rights law into the daily lives of Ontarians. The ability of the Human Rights Tribunal to consider and apply OHRC policies is expressly recognized in the *Code*. Moreover, when "the (Tribunal) decision or order is not consistent with a policy that has been approved by the Commission under section 30, the Commission may apply to the Tribunal to have the Tribunal state a case to the Divisional Court."

Process for developing new policies

Policy development is triggered and informed by a range of factors, including inquiries and complaints received from the public; the public education and communications functions; academic and social science research; monitoring of social issues and trends; legislative and case law developments; and the provisions of the *Code* and Charter.

All policy statements are developed by the Policy Branch in consultation with the other branches of the OHRC. Case law, research and data analysis are reviewed alongside international conventions, public consultation and past policy development work. Through these methods the OHRC has earned the confidence of the public, legal practitioners and human rights experts.

Research function

Under Section 29(c) of the *Code*, the Commission has a responsibility "*to undertake, direct and encourage research into discriminatory practices and to make recommendations designed to prevent and eliminate such discriminatory* practices". Under 29(j) the Commission is "*to report to the people of Ontario on the state of human rights in Ontario.*

The human rights landscape is in constant evolution. In Canada, many reports have proposed expansion of the protections afforded by the federal and provincial human rights legislation to new grounds like social condition, gender identity, and political belief. Non-evident disabilities such as environmental sensitivities, mental health, drug and alcohol addiction are challenging the traditional, narrower understanding of what disability means. In spite of existing laws and positive programs, there remain barriers to racialized, aboriginal and other vulnerable individuals in our society.

With more subtle forms of discrimination to deal with and given our increasingly diverse society, the OHRC has a challenging task to identify, study and address emerging issues and trends before they cause conflict or tensions in Ontario's communities. We will focus more of our attention on the research, analysis and reporting needed to stay on the leading edge of human rights. Setting and publicizing clear standards, monitoring progress and reporting on that progress will provide the performance measures for our work and the success of the human rights system as a whole.

Monitoring and Making Recommendations regarding Legislation

The OHRC is also directed by the *Code* to "examine and review" (s.29(d)) legislation, regulations, programs and policies and make recommendations if they are inconsistent with the intent of the *Human Rights Code*.

For example, there has been a continuous dialogue between the Ministry of Community and Social Services and the Commission in support of the standard development of the *Accessibility for Ontarians with Disabilities Act*. Court decisions like *Tranchemontagne*, which direct administrative tribunals to consider and apply human rights principles in their decisions, have triggered many requests to the OHRC for information and training.

A dedicated "legislative review" function at the Commission will create links across government to help ensure the letter and spirit of the *Code* inform policy development across the Government.

Public Education and Outreach

> "The functions of the Commission are... (b) to develop and conduct programs of public information and education to, i) promote awareness and understanding of, respect for and compliance with this Act, and ii) prevent and eliminate discriminatory practices that infringe rights under Part I;" (*Code*, s.29).

Under its new mandate, the OHRC is building on the successes and expanding its role in promoting a culture of human rights throughout the province through enhanced public education, public awareness and outreach initiatives. Our experience has shown us that when people and organizations understand their rights and responsibilities they are more willing to fulfill those responsibilities.

The enhanced public education and outreach function will:

- Show how to prevent *Human Rights Code* violations and advance human rights
- "Train trainers" to have a sustainable "multiplier" effect in organizations and sectors
- Help public and private sector institutions and organizations meet their obligations to respect, protect, promote and fulfill human rights
- Support other functions of the OHRC such as public consultation on research and policy, public interest inquiries and interventions, communications to the media and general public, and the work of the Anti-Racism and Disability Secretariats.

The Supreme Court of Canada decision in *Tranchemontagne* reinforces the importance of knowledge sharing between the OHRC and colleagues across government. By helping other agencies, boards, commissions and ministries understand the potential impact of the *Human Rights Code* at the policy development stage, the risk of non-compliance can be greatly reduced. The OHRC has met with a variety of agencies, whose mandates are directly affected by the *Code,* to share expertise. Working with bodies such as the Society of Ontario Adjudicators and Regulators (SOAR), the OHRC will help others to promote and enforce compliance with the *Code*.

In addition, the public education and outreach functions of the Commission will:

- Identify types of partnerships and potential partners
- Identify and build partnerships on priority issues through advisory committees and other bodies
- Create and deliver outreach and education initiatives based on our priorities.

- Deliver cooperative training and education programs focused on systemic, sectoral and regional interests, capacity building and partnership
- Expand accurate and timely distribution of information to targeted sectors and communities
- Expand on-line content for the OHRC's website and electronic outreach services

Public Interest Inquiries

> "The functions of the Commission are ... (e) to initiate reviews and inquiries into incidents of tension or conflict, or conditions that lead or may lead to incidents of tension or conflict, in a community, institution, industry or sector of the economy, and to make recommendations, and encourage and co-ordinate plans, programs and activities, to reduce or prevent such incidents or sources of tension or conflict;" (*Code* s.29).

The *Cornish Report* notes that "the degree to which [the OHRC] succeeds in reducing systemic discrimination in the province through its proactive, broad-based initiatives will substantially affect the number of individuals needing to file complaints and seek redress at the [HRTO]" (p. 80).

Addressing serious, pervasive, subtle and at times hidden discrimination will be the target of the OHRC under its renewed mandate. In the past, the OHRC tended to identify potential "broader public interest" work based on clusters of individual cases that suggested areas of concern. In the new system the Commission is taking a more proactive approach which considers a much wider range of sources in an effort to head off and reduce areas of conflict and tension in the community.

The Commission has adopted criteria to determine when it will initiate a Public Interest Inquiry, an application at the Tribunal, or an intervention in an existing case at the Tribunal. These are based primarily on the extent to which the matter involves issues of the public interest, whether the discrimination is based on legislation or regulation, whether the Commission's involvement can bring about broad changes to an industry or sector, or, in some cases, where the matter involves glaring injustice.

In the Public Interest Inquiries Branch, Inquiry Analysts, with the assistance of counsel, will monitor applications and responses filed at the Tribunal. In addition, these analysts will consider requests from the Legal Support Centre, the Tribunal itself, as well as members of the public, community organizations and advocacy clinics. For example, a pattern of cases at the Tribunal or information provided by an advocacy group concerning pervasive failure to accommodate disabled tenants in public housing, could result in the OHRC choosing to inquire into the matter, meet with the major players involved, and attempt to negotiate a

resolution. It may also, at some stage, involve intervention in a Tribunal case or the initiation of a Commission initiated application.

Priority areas and sectors

We will consider how best to use our mandate in the area of mental health. This could include an inquiry focusing on issues involving access to housing and the prevalence of NIMBY by-laws in municipalities; engaging private sector insurers and benefit providers with respect to restrictions and exclusions of mental illnesses from employment and insurance benefits; a major case involving the prevalence of mental health incident/police records checks (commensurate with our policy development in this area).

The Commission will focus on aboriginal and race issues. This will include continuing the extensive monitoring, enforcement, and organizational change initiative that the Commission has been spearheading to deal with the pervasive racism in Ontario's prisons, as recognized in a series of critical decisions at the Tribunal in the *McKinnon* matter. We are also involved with a major change initiative with the Toronto Police Services. We are looking into inquiries and joint training regarding racial profiling with various police forces throughout the province, and in our work with the Ontario Police College and the Ontario Correctional Services College.

In addition, the Commission will continue to work with the Secretary of Cabinet to provide advice and expertise on issues of hiring, promotion, and recruitment in the Ontario Public Service.

Inquiries, interventions or applications will also consider housing issues involving the aged, newcomers, aboriginal persons and, as mentioned, those with mental disabilities.

Other work will be based on the Commission's recent policy on family status and may include initiating cases that expand the limited definition within the *Code* to include functional parent-child relationships.

In addition, the Public Interest Inquiries Branch will:

- Implement the OHRC's Inquiry strategy
- We will use our powers under section 14 to determine whether a matter is a special program
- Implement our Organizational and Sector Evaluation, Structural Redesign and Change strategy, as we are currently doing in Ontario prisons
- Make strategic interventions in other areas, such as the Supreme Court of Canada, where intervention would have a positive impact on Ontario. A recent example was a case involving Via Rail and the expansion of services to people with disabilities.

- Work with the Policy and Monitoring, Education & Outreach Branch, to conduct background research (legal, social, historical), to be collected and analysed

Communications & Issues Management

Effective communications is central to the Commission's aim to promote human rights. If the people of Ontario are not aware of their rights and responsibilities they cannot exercise their rights or safeguard the rights of others. The OHRC will be a central point in providing authoritative, timely and accurate human rights information to the public. To support effective communications with the public, the OHRC will:

- Reach out to Ontarians by continuing to develop our electronic and print publications as accessible and content-rich human rights resources
- Improve issues management processes and media relations
- Respond to correspondence and inquiries about public interest matters and the work of the Commission
- Produce and distribute a variety of publications related to the *Human Rights Code*
- Work with the other human rights system pillars to identify gaps in information resources and ensure coherent messages
- Maintain a community contacts database
- Deliver effective internal communications to OHRC Commissioners and staff

Work is underway to serve more communities in their own languages and to work more effectively with 3rd language media outlets to communicate with their target audiences.

Stronger relationships with media partners (including a clearer understanding of the needs of media outlets, and their relationships with their own clients) will be crucial in disseminating OHRC messaging. A comprehensive media strategy will identify media partners to help communicate information about the system and the work of the OHRC.

The OHRC must be better 'branded'; the people of Ontario must know which agency does what task if they are to be able to use the system effectively. While the mandate and mission may be clear to those with in-depth knowledge of the human rights system, most people do not know how the different parts of the system work and what the relationship is between the different components.

For better customer service across the system, and to make the best use of resources, there needs to be a good understanding of the aims and activities of the system and how it actively benefits the people of Ontario. A key activity of the Communications Branch will be providing advice across the OHRC on

positioning, messaging, target audience identification and effective means of reaching key audiences.

In addition, the Communications and Issues Management Branch will compile and publish the OHRC Annual Report and provide publishing services for the activities of all OHRC branches.

Ongoing Communications objectives are to:

- Build public awareness by providing clear and useful information about the aims and achievements of the new system
- Clarify for the public the roles and responsibilities of the three pillars: the Human Rights Tribunal of Ontario, the Human Rights Legal Support Centre and the Ontario Human Rights Commission.
- Ensure accessible, up-to-date information about rights and responsibilities
- Celebrate progress on human rights issues and publicize milestones (including events such as International Human Rights Day)
- As much as possible, ensure that the messages and communications strategies of the Ministry, Commission, Tribunal and Legal Support Centre are coordinated, while respecting and maintaining their independence

Chief Commissioner

> The Chief Commissioner shall direct the Commission and exercise the powers and perform the duties assigned to the Chief Commissioner by or under this Act.(s. 27(6))

The Chief Commissioner will continue to provide leadership to the OHRC including setting, with the aid of the Commissioners and staff, the strategic direction of the organization. The Chief Commissioner is the key point of contact between the OHRC and the Government of Ontario. The Chief Commissioner's responsibilities include:

- Keeping informed of human rights issues and trends, domestic and, as appropriate, international, and of the activities, performance and expenditures of the Commission in order to advise and make recommendations to the Minister;
- Submitting the Commission's annual report to the Speaker of the Legislature;
- Developing performance measures and targets for the Commission;
- Monitoring the performance of the Commission to ensure the implementation of the Commission's goals and long-term vision;
- Ensuring that public funds are used with integrity and honesty;
- Carrying out effective public communications as the Commission's chief spokesperson;

- Monitoring the Commission's performance to ensure ethical behaviour, accountability and excellence in management, sound use of public resources, value for money, openness and transparency;

Commissioners

The role of the OHRC's Commissioners will shift from the consideration of individual complaints to reaching out to ensure that the OHRC is responsive to the needs of vulnerable and marginalized communities in Ontario and that the activities of the OHRC result in positive, measurable impacts on the people of Ontario. Commissioners will:

- Act as champions for human rights and of the OHRC in Ontario's communities
- Get input from communities
- Bring issues or concerns to the OHRC
- Create links and develop partnerships with key communities in the private, public and NGO sectors

Commissioners will also take a greater role in the initial stages of policy development and criteria setting as well as in Public Interest Inquiries to help ensure Commission priorities meet community needs. They will also, under the direction of the Chief Commissioner:

- Establish the goals, objectives and strategic directions for the Commission within its mandate
- Exercise the powers the *Code* has conferred on the Commission
- Approve the Commission's plans, reports and reviews for submission, as appropriate, to the Minister, the Legislative Assembly and/or the people of Ontario
- Consult with interested and affected parties on the Commission's goals, objectives, strategic directions and procedures
- Lead community outreach and capacity building initiatives (identifying target audiences according to strategic plan priorities)
- Review and consider recommendations of the Secretariats.

Individual Commissioners are also responsible for carrying out such responsibilities of the Chief Commissioner as he or she may delegate to them (*Code* s. 27(12)).

Secretariats

At the direction of the Chief Commissioner, the Anti-Racism Secretariat shall,

(a) undertake, direct and encourage research into discriminatory practices that infringe rights under Part I on the basis of racism or a related ground and make recommendations to the Commission designed to prevent and eliminate such discriminatory practices;

(b) facilitate the development and provision of programs of public information and education relating to the elimination of racism; and

(c) undertake such tasks and responsibilities as may be assigned by the Chief Commissioner. 2006, (s.31.3 (4))

(*Language on Disability Secretariat is analogous*).

Race and disability issues have regularly been the focus of the policy, research and promotion work of the OHRC in recent years. The majority of the complaints filed with the OHRC involved one of these grounds. The work of the Secretariats will help keep a strong focus on these two priority areas.

However, the Secretariats' existence must not create a hierarchy of rights and give undue priority to these areas. This is particularly important in the international framework where the fulfillment of one human right is often perceived as depending on the ability to freely exercise other human rights.

The *Code* focuses on the role of the Secretariats as primarily conducting research and analysis projects. The Attorney General has recently publicly committed to the appointment of the two Secretariats. Funding will be allocated to pay OIC per diems for appointees to the Secretariats.

Mandate Analysis and proposed model

The Secretariats will be composed of up to six persons appointed by the Government on the advice of the Chief Commissioner. The Chief Commissioner will direct their activities. Their duties will be to 1) undertake, direct and encourage research into discriminatory practices and to make recommendations, and 2) to facilitate the development and provision of programs of public information and education. The Chief Commissioner may assign further tasks.

Risk Analysis

The Government's priority of making Ontario more prosperous with opportunity for all requires an effective human rights system. The change process raised the profile of human rights and the Government's stated intention to create a better balance between reactive and proactive approaches.

The majority of human rights complaints come from workplaces. Systemic discrimination and barriers hold back a large and economically vital part of the population. Similarly, frustrated children and youths unable to reach their potential are unlikely to make positive choices. Removing discrimination is

particularly important during an economic downturn so that the very people this system is set up to protect do not suffer even more.

The OHRC is already receiving many requests for action from diverse groups regarding serious systemic *Code* infringements. This demand will continue to rise as awareness of the new role of the Commission grows.

Dealing with broader public and systemic issues will, over time, reduce the number of individual complaints and thus reduce pressure on Ontario's social infrastructure. Ignoring the systemic issues of discrimination in Ontario society will increase resource demands on the rest of the system for many years to come.

There is a risk of increased tension and conflict in some communities; many areas of the province are wrestling with shifts in their demographic make-up and, without appropriate intervention, increased tension and conflict are more likely to occur.

Risk Mitigation Strategies

- Focus on maintaining credibility in communities, including partners in Government
- Ensure commitments are met
- Provide ongoing communications which reflect expressed needs of communities
- Maintain coherent approaches and messages across the human rights system
- Respond quickly to changing situations
- Build partnerships and encourage partners to speak positively about creating a culture of human rights in Ontario

Performance Measures and Performance Targets

Ontario 2008-09 Priorities	**Government Strategies**	OHRC Strategies and ***Human Rights Code*** **Mandate**	**Performance Measures**	**Performance Targets**
A More Prosperous Ontario	Attract, retain and create good, high-paying jobs Invest in skilled workforce Invest in infrastructure including public transit Modern, efficient public services	Identify and eliminate systemic barriers to good jobs Help employers find solutions that improve accessibility and reduce inequity Provide high quality, timely service to the public *Code* mandate: S.29 (c) to undertake, direct and encourage research into discriminatory practices and to make recommendations designed to prevent and eliminate such discriminatory practices s.30 The Commission may approve policies prepared and published by the Commission to provide guidance in the application of Parts I and II.	Leading edge human rights policy developed and disseminated Education and trair ing programs delivered that show the effects of discrimination and how it can be reduced through application of policy; Targeted industrial, economic or organizational sectors introduce change	Three new policies in development: researched, drafted, consulted on and communicated in any one year; one finalized per year Four new policy 'Guidelines' or major policy 'updates' researched, drafted, consulted on and communicated annually Two policy-based education programs produced and distributed annually Target sector projects reviewed annually; project evaluation shows positive change.

Ontario 2008-09 Priorities	**Government Strategies**	OHRC Strategies and ***Human Rights Code*** **Mandate**	**Performance Measures**	**Performance Targets**
A Better Educated, More Highly Skilled Ontario	Improve student achievement Improve graduation rate Reduce barriers for at risk students	Identify and eliminate systemic barriers to education and training Reduce barriers for at risk students by ensuring settlements with Ministry of Education and TDSB are fully implemented (monitor Falconer report implementation) *Code* mandate: s.29(b) to develop and conduct programs of public information and education to, promote awareness and understanding of, respect for and compliance with this Act, and prevent and eliminate discriminatory practices that infringe rights under Part I; s.29(j) to report to the people of Ontario on the state of human rights in Ontario and on its affairs;	Human rights education programs delivered Reports on human rights in Ontario - with education component identified - researched, monitored and communicated	Two policy-based education programs produced and distributed annually Status report on human rights in Ontario released annually Ministry of Education and TDSB settlements implemented in full

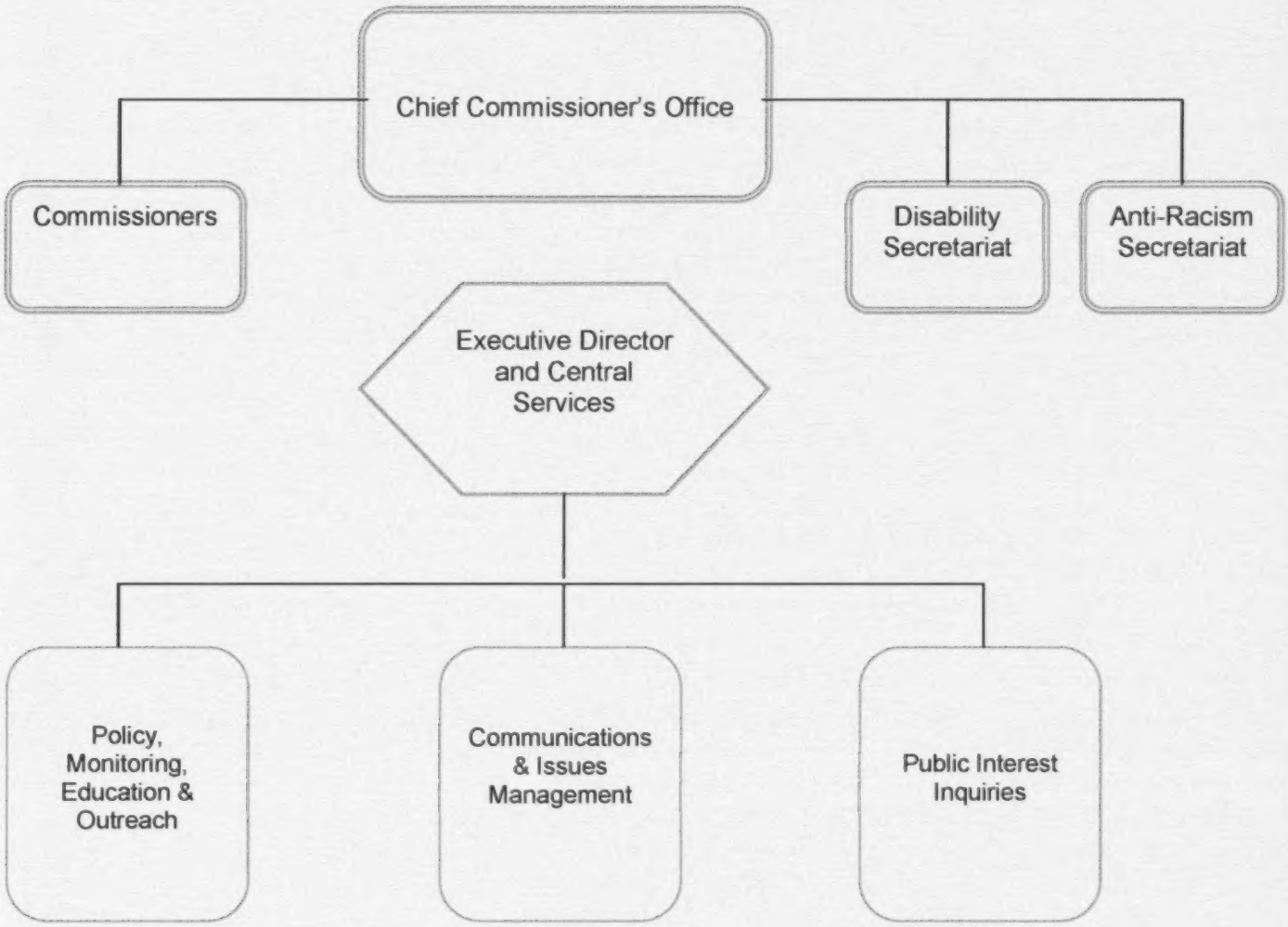
Ontario 2008-09 Priorities	Government Strategies	OHRC Strategies and *Human Rights Code* Mandate	Performance Measures	Performance Targets
Healthier Ontario	Improve access to health care Prevent illness, promote wellness	Continue work on mental health issues and access to health care system, including factors such as housing with a direct impact on health *Code* mandate: s.31 (1) The Commission may conduct an inquiry under this section for the purpose of carrying out its functions under this Act if the Commission believes it is in the public interest to do so.	Mental health related public interest inquiries conducted and results communicated Targeted legal action taken to clarify the law and encourage compliance with the *Human Rights Code*	Conduct one public interest inquiry in this area over 3 years % of cases at Tribunal, identified as important for intervention re: mental health, in which OHRC takes part Three major and 12 small Public Interest Inquiries conducted each year on identified OHRC priorities or pressing contingency items as identified by criteria (see appendix 1).

Ontario 2008-09 Priorities	Government Strategies	OHRC Strategies and *Human Rights Code* Mandate	Performance Measures	Performance Targets
Opportunity for All	Expand accessibility for the disabled through ADOA	Monitor AODA standards and advise on ensuring standards are compliant with the *Human Rights Code* Reduce barriers for people with disabilities in transit systems, housing Work with Ministries, Agencies, Boards and Commissions to help make all statutes, regulations, programs and polices compliant with the *Human Rights Code* *Code* mandate: s.29 (d) to examine and review any statute or regulation, and any program or policy made by or under a statute, and make recommendations on any provision, program or policy that in its opinion is inconsistent with the intent of this Act;	AODA standards reviewed, community consulted, response submitted and communicated Public interest inquiry related to disability conducted Legislative Review Project implemented	% compliance with *Lepofsky* among Ontario transit providers % of AODA draft standards responded to by closing date Conduct one public interest inquiry in this area over 3 years % of draft legislative proposals responded to by closing date

Ontario 2008-09 Priorities	**Government Strategies**	OHRC Strategies and ***Human Rights Code*** **Mandate**	**Performance Measures**	**Performance Targets**
A Stronger Relationship with Ontario First Nations	Implement Ipperwash recommendations	Fulfill Ipperwash recommendation that "the Ministry of Community Safety and Correctional Services should work with the OPP and Aboriginal organizations, other police services and the Ontario Human Rights Commission to identify and circulate best practices in police/Aboriginal relations." *Code* mandate: s.29 (f) to promote, assist and encourage public, municipal or private agencies, organizations, groups or persons to engage in programs to alleviate tensions and conflicts based upon identification by a prohibited ground of discrimination;	Work with MCSCS, OPP and Aboriginal partners begun Best practice guide developed and communicated Systematically integrate consideration of aboriginal issues into all OHRC public reports and policy statements.	With partners, draft, consult on and distribute best practice guide over 2 years

Ontario 2008-09 Priorities	**Government Strategies**	OHRC Strategies and ***Human Rights Code*** **Mandate**	**Performance Measures**	**Performance Targets**
Stronger, Safer Communities		Reduce situations of tension and conflict stemming from *Code*-related grounds *Code* mandate: s.29 (e) to initiate reviews and inquiries into incidents of tension or conflict, or conditions that lead or may lead to incidents of tension or conflict, in a community, institution, industry or sector of the economy, and to make recommendations, and encourage and co-ordinate plans, programs and activities, to reduce or prevent such incidents or sources of tension or conflict;	Potential conflicts quickly and successfully addressed by OHRC. Education and training programs delivered to communities involved as identified.	% of requests for intervention or inquiry responded to within 30 days of receipt

Organizational Chart



11. OHRC key decision-making criteria

Tier 1 - Impacts

Is the issue consistent with the OHRC's statutory mandate and high-level strategic priorities?	
Will our action identify and remove barriers?	
Is this a systemic issue? Would there be benefit from sectoral change?	
Is this issue in the broad public interest?	
Will our action clearly benefit vulnerable or marginalized people?	
Will this address "glaring unfairness"?	
Is the issue the result of legislation, regulation or policy?	

Tier 2 - Approaches

Is there another body better placed to do this work?	
Is this consistent with International human rights instruments?	
Is this consistent with work in other OHRC branches? Which work?	
Does this lever/build on/influence other work in the community?	
Is this progressive? Will it broaden interpretation of the *Code*?	
Will this clarify law or policy? impacts to other legislation changes to *Code* required important case law precedent possible challenges jurisprudence?	
Timing/Resources: Is this an urgent Issue? Is this the right moment? What will be the affect on our resources?	
Is this achievable? Measurable? Sustainable?	